<div align="center">**REMARKS**</div>

Claims 17, 20 and 22 have been amended to overcome the Examiner's objections.

Claim 1 has been amended to correct a typographical error.

The Examiner rejects Claims 1-10 and 39 under 35 U.S.C. Section 101.

Applicant disagrees.

The rejected independent claim 10 provides:

> 1.   A method, comprising:
> (a) tracking, by a processor and over a selected time period, for a set of a plurality of agents servicing a plurality of discrete real-time and non-real-time contacts from different customers, a number of discrete real-time and non-real-time contacts serviced by the set of agents that are and/or are not related to at least one other discrete real-time and non-real-time contact from a common customer serviced by the plurality of agents, wherein two or more contacts from the common customer are deemed to be related when the contacts involve at least one of a common subject matter and purpose;
> (b) maintaining, by a processor and for the set of agents, an indicator indicating at least one of (i) a number of discrete real-time and non-real-time contacts, serviced by the set of agents during the selected time period, that are not related to one or more other discrete real-time and non-real-time contacts from a common customer serviced by one or more of the plurality of agents and (ii) a number of discrete real-time and non-real-time contacts, serviced by the set of agents during the selected time period, that are related to one or more other discrete real-time and non-real-time contacts from a common customer serviced by the plurality of agents; and
> (c) using the indicator for at least one of the following purposes:
> (c1) evaluation, by a processor, of performance of the contact center and/or one or more agents; and
> (c2) determination, by a processor, of a routing destination for a selected currently pending contact.

Applicant submits that the claim as amended ties the series of steps to another statutory category (a processor).

For at least this reason, the Examiner's rejection is improper.

The Examiner further rejects Claims 1-11, 13-25, and 27-40 under 35 U.S.C. Section 102(e) as being anticipated by Schroeder, et al., (U.S. 6,829,348).

Applicant disagrees. Schroeder, et al., fail to teach or suggest at least the italicized features of independent claims 1, 13, and 27:

> 1.   A method, comprising:
> (a) tracking, by a processor and over a selected time period, for a set of a plurality of agents servicing a plurality of discrete real-time and non-real-time contacts from

different customers, *a number of discrete real-time and non-real-time contacts serviced by the set of agents that are and/or are not related to at least one other discrete real-time and non-real-time contact from a common customer serviced by the plurality of agents, wherein two or more contacts from the common customer are deemed to be related when the contacts involve at least one of a common subject matter and purpose;*

       (b) maintaining, by a processor and for the set of agents, *an indicator indicating at least one of (i) a number of discrete real-time and non-real-time contacts, serviced by the set of agents during the selected time period, that are not related to one or more other discrete real-time and non-real-time contacts from a common customer serviced by one or more of the plurality of agents and (ii) a number of discrete real-time and non-real-time contacts, serviced by the set of agents during the selected time period, that are related to one or more other discrete real-time and non-real-time contacts from a common customer serviced by the plurality of agents;* and

       (c) using the indicator for at least one of the following purposes:

       (c1) *evaluation, by a processor, of performance of the contact center and/or one or more agents;* and

       (c2) *determination, by a processor, of a routing destination for a selected currently pending contact..*

       13.   A method, comprising:

       (a)   at least one of receiving a first real-time contact from and initiating a second real-time contact with a first customer;

       (b)   *determining, by a repeat contact determining agent, whether the first and/or second contact is related to another real-time or non-real-time contact with the first customer wherein two or more contacts from a common customer are deemed to be related when the contacts involve at least one of a common subject matter and purpose;* and

       (c)   *when the first and/or second contact is related to another real-time or non-real-time contact with the first customer, servicing, by a contact center resource, the first and/or second contact differently than when the first and/or second contact is unrelated to another real-time or non-real-time contact with the first customer.*

       27.   A contact center, comprising:

       (a) an input operable to receive a contact from a first customer; and

       (b) a selector operable (i) *to determine whether the received real-time contact is related to another real-time or non-real-time contact with the first customer, wherein two or more contacts from the common customer are deemed to be related when the contacts involve at least one of a common subject matter and purpose, and (ii) when the received real-time contact is related to at least one real-time and non-real-time contact with the first customer, to service, by a contact center resource, the received real-time contact differently than when the received real-time contact is unrelated to at least one real-time and non-real-time contact with the first customer.*

Schroeder, et al, are directed to a system and method for providing complete customer contact management across a variety of customer contact channels so that businesses, or clients (i.e., those businesses using the services of the system and method of the present invention), can

manage and develop relationships with their customers. In one example, Schroeder, et al., provide an efficient way in which clients can obtain information from the various customer contact channels and use this information to, for example, increase sales and enhance business productivity. In another example, Schroeder, et al., provide a useful mechanism by which clients can monitor customers' preferences for products or services, so that the client can develop new products and services or modify existing products and services to meet the demand of the customers. Schroeder, et al., also provide an improved system capable of retrieving customer contact information from a plurality of contact channels, storing, that information, and performing subsequent processes, such as making the data available to the clients in the form of, for example, reports.

Regarding identifying relatedness of contacts, Schroeder, et al., state at column 22, lines 35-50, as follows:

> In addition, tracking system 128 includes a case management 128f functionality. Case management 128f ties a set of related contacts together. These contacts can be tied together in a number of ways, including, but not limited to, an event, such as failure of a product, or the sale of a product. For example, if a customer purchases a product and calls into call center 122 and says that it is not working properly, the agent handles the telephone call and offers solutions either in the present call or subsequent calls or e-mails. The first contact and any subsequent contacts may be linked together by the event of the failure of the product. In this fashion, each contact may be identified individually, but more importantly, as part of a particular contact campaign. Such bundling of contacts provides valuable information to the client so that the client can troubleshoot problems and offer subsequent changes to its products and services if required.

This paragraph fails to teach the italicized features above. First, the paragraph says nothing about determining the relatedness of contacts with a common customer. Rather, Schroeder, et al., teaches determining the relatedness of contacts among all customers, without regard to whether the contacts involve the same customer. Accordingly, Schroeder, et al., say nothing about determining whether or not a contact from a customer is one and done, let alone using this information in evaluating contact center performance or in routing a new contact to a contact center resource. The ability or inability of an agent to serve customers is related to a number of one and done contacts for which the agent is responsible. This relationship is entirely absent from and ignored by Schroeder, et al. Second, Schroeder, et al., are silent about the use of the relatedness of a current contact from a customer to a prior contact from the customer in selecting an agent to service the current contact. If the current contact is related to a prior

contact, it may indicate poor servicing by the contact center of the customer. Depending on the customer class or identity, it may be desirable to route the current contact to a more highly skilled agent. Third, Schroeder, et al., simply teaches using the relatedness of contacts to link the contact to a particular contact campaign.

Accordingly, the pending claims are allowable.

The dependent claims provide added reasons for allowability.

By way of example, dependent claim 4 determines relatedness of contacts by assuming, when two contacts are received from the same customer during a predetermined period of time, that the two contacts are deemed to involve at least one of a common subject matter and purpose and therefore are deemed to be related. *See* claims 19 and 33. Schroeder, et al., are silent on this feature.

Dependent claim 7 requires that each agent in the set has a corresponding indicator indicating a number of contacts, serviced by the set of agents during a selected time period, that are (i) not related to another contact serviced by one or more of the plurality of agents or (ii) related to another contact serviced by one or more of the plurality of agents and the further steps:

(d) receiving a contact to be serviced by one of the plurality of agents;

(e) retrieving agent profiles for the set of agents; and

(f) assigning one of the set of agents to service the contact based, at least in part, on a comparison of the indicators corresponding to the agents in the set. Schroeder, et al., are silent on this feature.

Dependent claim 8 requires the indicator to indicate a number of contacts, serviced by the set of agents during the selected time period, that are not related to another contact serviced by one or more of the plurality of agents and a single contact to be defined as each interaction between a selected agent and a selected customer such that an agent-to-agent transfer of a communication from the selected customer is considered to represent multiple contacts. Schroeder, et al., are silent on this feature.

Dependent claim 9 requires the indicator to indicate a number of contacts, serviced by the set of agents during the selected time period, that are related to another contact serviced by one or more of the plurality of agents and a single contact to be defined as all interactions between all members of the set of agents and a selected customer such that an agent-to-agent transfer of a

communication from the selected customer is considered to represent a single contact. Schroeder, et al., are silent on this feature.

Dependent claim 14 requires in step (a) the first real-time contact to be in queue awaiting servicing and the further step:

(d)   while in queue, tagging the first contact with a number of related previous real-time and/or non-real-time contacts with the first customer. *See* claim 28. Schroeder, et al., are silent on this feature.

Dependent claim 15 requires the servicing step to include the sub-steps:

when the first and/or second contact is related to a previous contact with the first customer, at least one of (i) recording the first and/or second contact interaction to form a transcript of the interaction, (ii) forwarding the first and/or second contact to a first agent having a first skill, and (iii) activating quality monitoring; and

when the first and/or second contact is unrelated to a previous contact with the first customer, not performing the at least one of (i) recording the first and/or second contact interaction to form a transcript of the interaction, (ii) forwarding the first and/or second contact to a first agent having a first skill, and (iii) activating quality monitoring. *See* claim 29. Schroeder, et al., are silent on this feature.

Dependent claim 16 requires the contact center to include a plurality of agents to service a plurality of contacts and the further steps:

(d)   tracking, for each of the plurality of agents over a selected time period, a number of contacts serviced by the agent that are related to another contact serviced by the plurality of agents; and

(e)   maintaining, for each of the plurality of agents, an indicator indicating at least one of (i) a number of contacts, serviced by the corresponding agent during the selected time period, that are not related to another contact serviced by the plurality of agents and (ii) a number of contacts, serviced by the corresponding agent during the selected time period, that are related to another contact serviced by the plurality of agents. *See* claims 19-24, 30-32, and 36-38. Schroeder, et al., are silent on this feature.

Dependent claim 17 requires the further steps:

      (c)   when the first and/or second contact of the first customer is serviced by an agent, receiving from the servicing agent a subject matter identifier indicating a purpose of the serviced contact; and

      (d)   when a later third contact is received from the first customer, comparing a second subject matter identifier associated with the third contact with the first subject matter identifier to determine whether the first and/or second and third contacts are related. *See* claims 2-3, 18, and 31. Schroeder, et al., are silent on this feature.

      Dependent claims 39-40 require: the identification, for at least one of an agent and selected grouping of agents, a number of one-and-done contacts serviced by the at least one of an agent and selected grouping of agents, wherein each of the one-and-done contacts is not related to one or more other contacts from a common customer. Schroeder, et al., are silent on this feature.

      Based on the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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